EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2236-MWD-E **TCEQ ID:** RN102916905 **CASE NO.:** 32008 **RESPONDENT NAME:** Montgomery County Municipal Utility District No. 56

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
Van Soest, Enforcement Division, MC 2	ED and the Respondent has expressed an interest comment period expired on June 18, 2007. No comme Catherine Albrecht, Enforcement Division, Enforcement Division, Enforcement, 19, (512) 239-0468 sident, Montgomery County Municipal Utility Dist	in this matter. mments were received. cement Team 1, R-12, (713) 767-3672; Mr. David

discharges of wastewater from the collection

system and the permitted effluent

noncompliances;

DOCKET NO.: 2006-2236-MWD-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS PENALTY CONSIDERATIONS VIOLATION INFORMATION TAKEN/REQUIRED Type of Investigation: Total Assessed: \$12,116 **Corrective Actions Taken:** Complaint X Routine 1) The Executive Director recognizes that the Total Deferred: \$2.423 ___ Enforcement Follow-up Respondent has implemented the following X Expedited Settlement ___ Records Review corrective measures at the Facility: Financial Inability to Pay a. On May 31, 2005, removed the grease Date of Complaint Relating to this Case: blockage at the 21822 Raven Tree Court None SEP Conditional Offset: \$0 manhole and disinfected and flushed the area affected by the unauthorized discharge; Date of Investigation Relating to this Case: Total Paid to General Revenue: \$9,693 September 28, 2006 b. On June 2, 2005, removed the grease Site Compliance History Classification blockage at the 22058 South Pine Court Date of NOE Relating to this Case: November High X Average Poor manhole and disinfected and flushed the area 13, 2006 (NOE) affected by the unauthorized discharge; Person Compliance History Classification Background Facts: This was a routine High X Average Poor c. On September 1, 2005, removed the grease investigation. Four violations were blockage at the 18108 Red Pine Court manhole documented. Major Source: Yes X No and disinfected and flushed area affected by the unauthorized discharge: WATER Applicable Penalty Policy: September 2002 d. On December 14, 2005, removed the grease 1) Failed to prevent the unauthorized discharges blockage at the 18355 Knotted Oak Street of wastewater from the collection system. manhole and disinfected and flushed the area Specifically, six unauthorized discharges affected by the unauthorized discharge; occurred at this Facility of 10 gallons at 21822 Raven Tree Court on May 31, 2005, 240 gallons at 22058 South Pine Court on June 2, 2005, 230 e. On January 14, 2006, completed the necessary lift station repairs and disinfected and gallons at 18108 Red Pine Court on September flushed the area affected by the unauthorized 1, 2005, 130 gallons at 18355 Knotted Oak Street on December 14, 2005, 100 gallons at discharge at 22050 Soft Pines Street; 22050 Soft Pines Street on January 14, 2006, f. On August 16, 2006, removed the grease and 120 gallons at 18147 Woodsdale Court on August 16, 2006 [30 Tex. ADMIN. CODE § blockage at the Woodsdale Court manhole and disinfected and flushed the area affected by the 305.125(1) and (4), Texas Pollutant Discharge unauthorized discharge; and Elimination System ("TPDES") Permit No. 13760001, Permit Condition No. 2.g., and Tex. g. On or about January 2, 2007, revised WATER CODE § 26.121(a)]. noncompliance notification reporting procedures to resume making verbal and written 2) Failed to timely report the unauthorized or faxed noncompliance notification reports for discharge of wastewater from the collection all reported excursions that exceed the permitted system on August 16, 2006 within 24 hours by effluent limits by more than 40 percent. phone and within five days by letter. Specifically, the noncompliance report was not submitted until August 25, 2006 [30 Tex. **Ordering Provisions:** ADMIN. CODE § 305.125(1) and (9) and TPDES 2) The Order will require the Respondent to: Permit No. 13760001, Monitoring and Reporting Requirement No. 7.b.iv.]. a. Within 60 days after the effective date of this Agreed Order, identify and implement all 3) Failed to maintain compliance with permit necessary preventive maintenance and/or limits [30 Tex. ADMIN. CODE § 305.125(1), rehabilitation work to prevent the unauthorized TPDES Permit No. 13760001, Effluent

Limitations and Monitoring Requirements Nos.

1 and 6, and Tex. WATER CODE § 26.121(a)].

RESPONDENT NAME: Montgomery County Municipal Utility District No. 56

DOCKET NO.: 2006-2236-MWD-E

4) Failed to consistently provide effluent
noncompliance notification reports in
accordance with the permit requirements.
Specifically, copies of the noncompliance
notification reports were not submitted to the
Houston Regional Office for effluent
noncompliance that exceeded the permit limits
by more than 40 percent during April 2006 for a
daily average event and July 2006 for daily
maximum and daily average events [30 Tex.
ADMIN. CODE § 305.125(1) and (9) and TPDES
Permit No. 13760001, Monitoring and
Reporting Requirement No. 7.c.].

- b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.; and
- c. Within 135 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. 13760001.

	Penalty Calculation	n Worksheet (P		Danamhar 8, 2006
Policy Revision 2 (Septe	∍mber 2002)	1. 11.0 · · · · · · · · · · · · · · · · · · ·	PCW Revision L	December 8, 2006
DATES Assigned	27-Nov-2006			
PCW	26-Mar-2007 Screening 12-Dec-2006	EPA Due	1	
	Zo Mai 2007 Colocining 12 Boo 2000			
RESPONDENT/FACILITY	INFORMATION			
Respondent	Montgomery County Municipal Utility District	No. 56		
Reg. Ent. Ref. No.				of section
Facility/Site Region	12-Houston	Major/Minor Source	Minor	
CASE INFORMATION			ra	
Enf./Case ID No.		No. of Violations]
	2006-2236-MWD-E	Order Type		
Media Program(s)	water Quality		Catherine Albrecht EnforcementTeam 1	
Multi-Media	in it bai in the control of the cont		Emorcementream	
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000		
	Penalty Calcula	ation Section		
TOTAL BASE DENAL	TY (Sum of violation base penaltie		Subtotal 1	\$10,300
TOTAL BASE FENAL	11 (Sum of violation base penaltie		Odbiotai i	—
ADJUSTMENTS (+/-)	TO SUBTOTAL 1			
Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage.		- 2 s - •
Compliance Histo			otals 2, 3, & 7	\$12,051
[The Respondent has one NOV for same or	similar violations, one NOV	1	
Notes	for other violations, 18 self-reported effluent	t violations, and one Agreed		
	Order with denial of li			
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	Respondent does not meet the o	culnability criteria		
INOIES	respondent does not meet the			
Good Faith Effort	to Comply 0%	Reduction	Subtotal 5	\$0
GOOU FAILII EIIOIL	Before NOV NOV to EDPRP/Settlement Offer	Reduction	- Cubician G	
Extraordinary	Belofe Nev He t to EB. III yes us ment a men			
Ordinary				
N/A	X (mark with x)			
et i a	The Decreased and not most th	a good faith aritaria		
Notes	The Respondent does not meet the	e good faith criteria.		
			_	
		Enhancement*	Subtotal 6	\$0
Approx	Total EB Amounts \$3,337 *Capped Cost of Compliance \$25,500	d at the Total EB \$ Amount		
дррюх.	303t 01 00Hpliance \$23,300			
SUM OF SUBTOTALS	S 1-70000	er in <mark>entale</mark> lettik and.	Final Subtotal	\$22,351
COM OF GODICIAL		and the second state of the second		,,-
OTHER EACTORS AS	S JUSTICE MAY REQUIRE	-46%	Adjustment	-\$10,235
	subtotal by the indicated percentage. (Enter number onl		Aujusunent	7.0,200
TOURDES OF CHIRALICES THE FINAL S			1	
	Recommend reduction in the penalty so th			
Notes	violations don't overly impact the penalty			
110103	impact of the unauthorized discharge viol			
	were small volumes with mir	nimal impacts.		
		Final Pe	enalty Amount	\$12,116
			.	
STATUTORY LIMIT A	ADJUSTMENT	Final Ass	essed Penalty	\$12,116
CIAICICKI LIMIT F	NO COLUMNIA DE LA COLUMNIA DEL COLUMNIA DE LA COLUMNIA DEL COLUMNIA DE LA COLUMNI			,
DECEDRA		20% Reduction	Adjustment	-\$2,423
DEFERRAL Reduces the Final Assessed Pen	nalty by the indicted percentage. (Enter number only; e.		Aujustinent	Ψ2,-120
Troubles the Fillal Assessed Fill			٦	
Notos	Deferral offered for expedite	ed settlement	1	

PAYABLE PENALTY

\$9,693

PCW

Respondent Montgomery County Municipal Utility District No. 56

Case ID No. 32008

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102916905

Media [Statute] Water Quality
Enf. Coordinator Catherine Albrecht

Compliance History Worksheet

	Component	/ Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement actio (number of NOVs meeting criteria)	ⁿ 19	95%	
		Other written NOVs	Serial gray	2%	
		Any agreed final enforcement orders containing a denial of liability (number of order meeting criteria)	s 1	20%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a deni of liability, or default orders of this state or the federal government, or any final prohibito emergency orders issued by the commission		0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	a ;
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final coujudgments or consent decrees without a denial of liability, of this state or the feder government		0%	0 (8)\$F5
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number audits for which notices were submitted)		0%	
	/,adiio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Priviles Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Ple	ease Enter Yes or No	Jan 17	1
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under special assistance program	a No	0%	
	Other	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal governme environmental requirements	nt No	0%	
		Adjustment	Percentage (S	ubtotal 2)	117
lepe	at Violator (Su	btotal 3)		เสนอกนให้เ	
	No	Adjustment	Percentage (Si	ubtotal 3)	0%
omp	liance History	/ Person Classification (Subtotal 7)	e sentes made to	nts a significan	ologi V
	Average P		Percentage (Si	ubtotal 7)	0%
Comp	oliance History	/ Summary	TAN Sado	u sesis.	
	Compliance History	The Respondent has one NOV for same or similar violations, one NOV for other violations, effluent violations, and one Agreed Order with denial of liability.	18 self-reported	-	

Screenir	ng Date 12-Dec	-2006	Docket No	. 2006-2236-MWD-E	PCW
Resp	ondent Montgo	mery County Munic	pal Utility District No. 56		Policy Revision 2 (September 2002)
Case	e ID No. 32008				PCW Revision December 8, 2006
Reg. Ent. Refere					40
	Statute] Water (
	dinator Catheri			•	2007 770000
Violation	Number 1				
Ru	le Cite(s) 30 1		305.125(1) and (4), TPDE No. 2.g., and Tex. Water	S Permit No. 13760001, Per Code § 26.121(a)	rmit
Violation De	system at 218 scription on Jugallons	i. Specifically, six ui 322 Raven Tree Cou une 2, 2005, 230 ga at 18355 Knotted C	nauthorized discharges of rt on May 31, 2005, 240 of llons at 18108 Red Pine C oak Street on December 1	wastewater from the collectic courred at this Facility of 10 g gallons at 22058 South Pine Court on September 1, 2005, 14, 2005, 100 gallons at 2205 as at 18147 Woodsdale Cour	gallons Court 130 50 Soft
				Base P	Penalty \$10,000
>> Environmental, Pr	operty and Hu	man Health Mai	rix		**************************************
OR	Release Ma Actual Potential	Harm	Minor x	Percent . 10%	
>>Programmatic Mat	ri y	A SHIPP OF BUILDING			and the state of t
	Isification Ma	jor Moderate	Minor	(III)	
LUIN TELLIN				Percent 0%	
Matrix Notes	Failure to prevent	the unauthorized di insignific	scharge of raw wastewate ant amount of contaminal	er resulted in the exposure of nts.	f an .
and all the termination of the second second		Late Harving 1999	er en	Adjustment	\$9,000
ENGINEER STATE	MOTE SHARE AND A SECOND COMMENTS.	2 and 60 CES 1000 for 19 Follows	CHAMPACHARIAN MILANTANA	(A) (C) (C) (C) (C) (C) (C) (C) (C) (C) (C	
Violation Events					\$1,000
		- · F	i le		
Nur	mber of Violation I	Events 6	6	Number of violation days	
	mor ark only one qual with an x semia anr	illy terly transport terly transport terly transport terly transport terls to the term of the terls to the term of the terls transport to the term of		Violation Base F	Penalty \$6,000
		Six sing	le events are recommend	led.	Actions
Economic Benefit (E	B) for this vio	lation		Statutory Limit Test	MANAGEMENT TO THE PROPERTY OF THE COLUMN TO SECURE AND A
# According to	Estimated EB A	mount	\$2,337	Violation Final Penalt	ty Total \$7,058
And the second s			This violation Final Aced	essed Penalty (adjusted for	r limits) \$7,058
	- Christian (EDE)	AND THE PERSON NAMED IN TH			Robert (1987) or the page section (2017) [2]

Economic Benefit Worksheet Respondent Montgomery County Municipal Utility District No. 56 Case ID No. 32008 Reg. Ent. Reference No. RN102916905 Years of Rercent Interest Depreciation Media Water Quality Violation No. 1 Item Cost Final Date Yrs Interest Saved Onetime Costs EB Amount **Date Required** Item Description No commas or \$ **Delayed Costs** Equipment 0.0 Buildings 0.0 Other (as needed) 0.0 0.0 Engineering/construction 0.0 Land n/a Record Keeping System `n/a. Training/Sampling 0.0 n/a 2,3 0.0 Remediation/Disposal \$2,337 n/a Permit Costs n/a Other (as needed) Estimated costs to implement a collection system inspecting and cleaning program based on \$10,000 per year Notes for DELAYED costs for two years. Date required is the date of first unauthorized discharge from collection system. Final date is projected date of the implementation of the cleaning and inspection program. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.0 Disposal Personnel 0.0 Inspection/Reporting/Sampling 0.0 Supplies/equipment Financial Assurance [2] 0.0 ONE-TIME avoided costs [3] 0.0 Other (as needed) Notes for AVOIDED costs Approx. Cost of Compliance \$20,000 \$2,337

Screening Date	12-Dec-2006	Docket No. 2006-2236	6-MWD-E	PCW
Respondent	Montgomery Co	ounty Municipal Utility District No. 56	Policy Rev	rision 2 (September 2002)
Case ID No.	32008		, PCW Re	evision December 8, 2006
Reg. Ent. Reference No.	RN102916905			
Media [Statute]	Water Quality	•		
Enf. Coordinator	Catherine Albre	cht		
Violation Number	2			
Rule Cite(s)	30 Tex. Admin.	Code § 305.125(1) and (9) and TPDES Permit No and Reporting Requirement No. 7.b.iv	. 13760001, Monitoring	
Violation Description	system on A	ely report the unauthorized discharge of wastewate ugust 16, 2006 within 24 hours by phone and within , the noncompliance report was not submitted unt	in five days by letter.	
			Base Penalty	\$10,000
>> Environmental, Property a	ınd Human H	ealth Matrix		
<u>_</u> _		Harm		
Release OR Actual	Major	Moderate Minor		
OR Actual Potential		Percent	0%	
i oterniar	L		<u> </u>	
>>Programmatic Matrix				
Falsification	Major	Moderate Minor		
		X Percent	1%	
				and the state of t
Matrix Notes Less than 3	0% of the rule w	ras not met by not submitting the unauthorized disc		
	Miss and Market Principles of the Control of the Co	7.2 (1000) (1000) (1000) (1000)		\$100
·			-	Ψίου
Violation Events			AND COLOR OF THE SECOND CO	
addischer beländigen ist. – 1900-dahre behände i 1900 och en en 1900 och en 1900 och 1900 och 1900 och 1900 och	olation Events	1 9 Number of	of violation days	
		<u> </u>		
	daily		•	
mark only one with an x	monthly quarterly semiannual annual		Violation Base Penalty[\$100
	single event	х		Annual designation of the second seco
		One single event is recommended.		
Economic Benefit (EB) for th	is violation	Statuto	ry Limit Test	
Estimate	d EB Amount	\$0 Violat	ion Final Penalty Total	\$118
		This violation Final Assessed Pena	Ity (adjusted for limite)	\$118
		Tills violation Final Assessed Felia	ny (adjactor for finite)[7,1,2

	고 이 그리네 그래 🚾	conomic	Benefit W	orks	sheet	rostante Germ	naera8
			ility District No. 56				
Case ID No							
Reg. Ent. Reference No	54						
	Water Quality					[Z. 115] - 1500 (1889) 150	Years of
Violation No						Percent Interest	Depreciation
Violation No	. 4	10.00 (CHIEF PARTHUMAN	Lo-compagno		DEGLESS AND AND	COMPONENT REPORT OF THE
					ShareMeanis	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$			esakon ezy	edimentification in the con-	o a dil magnetheride	
	and the state of t	programment and the rese		orania de la constante de la c	** ** ***		28
Delayed Costs		GREATER FOR SIGN	get gridelitist (1965 - 19	12000			
Equipment	Addition to the Control of the Contr	president of section and		0.0	\$0	\$0	\$0
Buildings		PACIFIC HUZIGG COM	0.15 1.3. 1.1 1.5	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	154 77500		The Control of the	0,0	\$0	\$0	\$0
Land		ione en as R	Transaction of	0.0	\$0	n/a	\$0
Record Keeping System	1			0.0	\$0	n/a	\$0
Training/Sampling	J	jiro kanasta da ka		0,0	\$0	n/a	\$0
Remediation/Disposal		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		0,0	\$0	n/a	\$0
Permit Costs	\$100	16-Aug-2006	25-Aug-2006	0.0	\$0	n/a	\$0
	ΨΙΟΟ	10 / lug 2000	20"/\dg"2000				
Other (as needed)				0.0	\$0	n/a rt. Date required is	\$0
Notes for DELAYED costs	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	0,0 authoriz he date	\$0 ed discharge repo report was submit	rt. Date required is fed.	\$0 date report was
Notes for DELAYED costs Avoided Costs	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	0.0 authoriz he date ntering	\$0 ed discharge reporeport was submit	n/a n/a rt. Date required is ted.	\$0 date report was costs)
Notes for DELAYED costs Avoided Costs Disposal	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	authoriz he date ntering	\$0 ed discharge reporeport was submit	rt. Date required is ted. one-time avoided of \$0	\$0 date report was
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	authoriz he date ntering	\$0 ed discharge reporeport was submit item (except for \$0 \$0	n/a rt. Date required is ted. one-time avoided of \$0 \$0	\$0 date report was costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	authoriz he date ntering 0.0 0.0 0.0	\$0 ed discharge reporeport was submit item (except for \$0 \$0 \$0	n/a rt. Date required is ted. one-time avoided a \$0 \$0 \$0 \$0	\$0 date report was costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	0.0 authoriz he date ntering 0.0 0.0 0.0 0.0 0.0	\$0 ed discharge report was submit item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a rt. Date required is ted. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date report was costs) \$0 \$0 \$0 \$0
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Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	0.0 authoriz he date ntering 0.0 0.0 0.0 0.0 0.0	\$0 ed discharge report port was submit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a rt. Date required is ted. one-time avoided e \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date report was costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	0.0 0.0 0.0	\$0 ed discharge reporeport was submit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a rt. Date required is ted. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date report was posts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	0.0 0.0 0.0	\$0 ed discharge reporeport was submit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a rt. Date required is ted. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date report was posts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	ts of preparing and	I submitting the unitue. Final date is t	0.0 0.0 0.0	\$0 ed discharge reporeport was submit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a rt. Date required is ted. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date report was costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	ts of preparing and	submitting the unitue. Final date is the december of the costs before e	0.0 0.0 0.0	\$0 ed discharge reporeport was submit item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a rt. Date required is ted. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date report was posts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scre	ening Date	12-Dec-2006	Docket No. 2006-2236-MWD-E	PCW
R	espondent	Montgomery C	ounty Municipal Utility District No. 56	Policy Revision 2 (September 2002)
C	Case ID No.	32008	•	PCW Revision December 8, 2006
Reg. Ent. Ref	erence No.	RN102916905		
_	ia [Statute]			
	coordinator		echt	METERS 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Viola	ation Number	3		
Violation	Rule Cite(s)	and Moni	in. Code § 305.125(1), TPDES Permit No. 13760001, Effluent Lim toring Requirements Nos. 1 and 6, and Tex. Water Code § 26.12 ^o ed to maintain compliance with permit limits. See attached table.	
			Raso	Penalty \$10,000
			Base	renatty \$10,000
>> Environmental OR >>Programmatic	Release Actual Potential	nd Human I	Health Matrix Harm Moderate Minor X Percent 10%	
>>Frogrammanc	Falsification	Major	Moderate Minor	
	T alsilication	I III	Percent 0%	
	1	<u></u>		
Matrix Notes	Failure to con which did	nply with permi not exceed le	it limits resulted in the exposure of an insignificant amount of contivels protective of human health and the environment as indicated simplified model. Adjustment	sy,000
	CCO silo umate dade tribito turbo bisi il hibito " i e m		Aug Tipsy () Styleologica Scholarophica dia Art chromos () styleologica of auto-chromos () styleologica (\$1,000
				\$1,000
Violation Events	Number of Vic	olation Events[4 185 Number of violation day	S
	mark only one with an x	daily monthly quarterly semiannual annual single event	X Violation Base	Penalty \$4,000
Economic Benefi	it (EB) for th	is violation	Four quarterly events are recommended. Statutory Limit Tes	st.
Tang danters of visitation made			MANAMAN Mengalah Manaman Salah Masara Salah Manaman Mengalah Mengalah Mengalah Mengalah Manaman Mengalah Mengal Manaman Mengalah Manaman Mengalah Mengalah Mengalah Mengalah Mengalah Mengalah Mengalah Mengalah Mengalah Menga	
	Estimate	d EB Amount	\$782 Violation Final Pen	alty Total \$4,705
			This violation Final Assessed Penalty (adjusted t	or limits) \$4,705
WASHER WALL			요즘 아이는 아이를 가게 되었다.	

eu. Liii. Neieleile ile ilo.	RN102916905						
	Water Quality					Percent Interest	Years of Depreciation
					Januarillo III	5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description Delayed Costs		Andrew States					
Equipment				0.0	\$0	\$0	\$0
Buildings	A			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	7-Oct-2005	31-Dec-2007	2.2	\$37	\$744	\$782
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal		SELECTION OF THE BOTTON OF THE CO.		0.0	\$0	n/a	\$0
Permit Costs				0.0	l dro		ውስ
					\$0	n/a	\$0
Other (as needed)	Estimated co	sts of the installation	on of an auto-dial	0.0	\$0	n/a	\$0
Notes for DELAYED costs		first effluent vi	olation date. Fina	0.0 monitori al date is	\$0 ng system for blow the projected dat	ver operation. Date e of compliance.	\$0 required is the
Notes for DELAYED costs Avoided Costs		first effluent vi	olation date. Fina	0.0 monitori al date is	\$0 ng system for blow the projected dat item (except for	ver operation. Date e of compliance.	\$0 required is the
Notes for DELAYED costs Avoided Costs Disposal	ANN	first effluent vi	olation date. Fina	monitori I date is Intering	ng system for blows the projected data	ver operation. Date e of compilance.	\$0 required is the costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel		first effluent vi	olation date. Fina	monitori date is ntering	\$0 ng system for blow the projected date item (except for \$0 \$0 \$0	rer operation. Date e of compilance.	\$0 required is the costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	first effluent vi	olation date. Fina	monitori il date is intering 0.0 0.0 0.0	\$0 ng system for blow the projected dat item (except for \$0 \$0 \$0	ver operation. Date e of compilance. one-time avoided o	\$0 required is the sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	first effluent vi	olation date. Fina	monitorial date is entering 0.0 0.0 0.0 0.0	s0 ng system for blow the projected dat item (except for \$0 \$0 \$0 \$0	ver operation. Date e of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) so sosts) so so so so so so so so so
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	first effluent vi	olation date. Fina	0.0 monitorial date is	s0 ng system for blows the projected dat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ver operation. Date e of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 required is the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/oquipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	first effluent vi	olation date. Fina	monitorial date is entering 0.0 0.0 0.0 0.0	s0 ng system for blow the projected dat item (except for \$0 \$0 \$0 \$0	ver operation. Date e of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) so sosts) so so so so so so so so so
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	first effluent vi	olation date. Fina	0.0	\$0 ng system for blows the projected dat item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	rer operation. Date e of compilance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 required is the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

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Scre	ening Date	12-Dec-2006	, , , , , , , , , , , , , , , , , , ,	Docket No	. 2006-2236-MWD-E		PCW
	-		County Municipal Utility	y District No. 56		Policy Revision	2 (September 2002)
	Case ID No.	32008				PCW Revision	on December 8, 2006
Reg. Ent. Ref	ference No.	RN102916905	5				
		Water Quality					
		Catherine Albi	recht				
Viol	ation Number	L			0.0		
	Rule Cite(s)	30 Tex. Admir		and (9) and TPDE orting Requiremen	S Permit No. 13760001 t No. 7.c	, Monitoring	
Violatio	n Description	with the per reports were that exceed	rmit requirements. Sp a not submitted to the led the permit limits by	pecifically, copies on Houston Regional of more than 40 per	e notification reports in a of the noncompliance no Office for effluent nonco rcent during April 2006 f m and daily average evo	otification ompliance for a daily	
					Ва	se Penalty	\$10,000
>> Environmenta	l, Property a	and Human					
	Release	Major	Harm Moderate Mine	or			
OR .	Actual	1					
	Potential				Percent 0%		
			n marawaka 2011 000 000 000 000 000 000 000 000 00		Time		•
>>Programmatic			a Chille		#U <##		
	Falsification	Major	Moderate Min		Percent 1%	1	
		<u> </u>	<u> </u>		reicent	2	
Matrix Notes	Less than	30% of the rule		submitting copies on Regional Office.	of the noncompliance no	otification	
		miche tel met 17	11 - 12 - 13 - 14 - 15 - 15 - 15 - 15 - 15 - 15 - 15		Adjustment	\$9,900	
							\$100
Violation Events		energy and and a second	e Pelessa protestandos aprilas	ere golongial orse	1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981 - 1981		
	Number of Vi	olation Events	2	228	Number of violation o	lays	
		(1	Source State		
		daily					
		monthly			Violation B	aca Banalty	\$200
	mark only one with an x	quarterly semiannual			Violation B	ase Fellalty	ΨΖΟ
		annual					
		single event	X				
		Buri at subtle inidikanika sene Ke	L.				
		Two sing	le events are recomm	ended for April 20	06 and July 2006.		
				•			
Economic Benef	it (EB) for th	nis violation		and the second s	Statutory Limit 1	Test .	
	Estimate	ed EB Amount		\$218	Violation Final P	enalty Total	\$235
1				-1-4: F':! A		d for limits	\$235
hang day may spirit tayan sagar nation			This vio	Diation Final Asse	essed Penalty (adjuste	u ior iiiiits)	φ∠3:

ater Quality item Cost commas or \$	Date Required	Final Date	Yrs	Testification of the control of the	Percent Interest 5,0 Onetime Costs	Years of Depreciation 15 EB Amount
Parti da Paranto	Stranger Programmer value of		117 (F)	Interest Saved	Onetime Costs	EB Amount
Parti da Paranto	Stranger Programmer value of		117 (F)	Interest Saved	The second of th	136.884.12
commas or \$					er tolkryjel v soo L	
		o w nij hodiyaa kweeper	1 00			
		also a series of the series of the	1 00			
			II U.U	\$0	\$0 I	\$0
		Access to the second of the	0.0	\$0	\$0	\$0
		January and American State of the Company of the Co	0.0	\$0	\$0	\$0
		and the second second second second	0,0	\$0	\$0	\$0.5
And the state of		Landing Wird Cities (Sub)	0,0	\$0	n/a	\$0
.n.a		ate dua Caracita	0.0	\$0	n/a	\$0
	The second secon	THE PERSON NAMED IN COLUMN	0,0	\$0	n/a	\$0
	Berline Colonia Colonia	igi yananbahan	0,0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
\$200	20-May-2006	2-Jan-2007	0.6	\$6	n/a	\$6
					s due. Final date is	
•	i Seria di Ilaya	actions	vere imp	lemented.	· · · · · · · · · · · · · · · · · · ·	
•	i Seria di Ilaya	actions	were imp	lemented. item (except for	one-time avoided o	osts)
ANN	i Seria di Ilaya	actions	were imp ntering 0.0	lemented. item (except for \$0	one-time avoided o	costs) \$0
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ANN	i Seria di Ilaya	actions	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided o	\$0 \$0 \$0 \$0
ANN	i Seria di Ilaya	actions	were imp ntering 0.0 0.0	item (except for \$0 \$0	one-time avoided o	sosts) \$0 \$0
ANN	i Seria di Ilaya	actions	were imp ntering 0.0 0.0 0.0 0.0	lemented. item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided o	\$0 \$0 \$0 \$0 \$0
	Estimated	Estimated costs of impleme	Estimated costs of implementing noncompliar	0.0 0.0	0.0 \$0	0.0 \$0 N/a

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Property Assertation and

Respondent:

Montgomery County Municipal Utility District No. 56

ID Number:

RN102916905

Docket Number: Enf. Coordinator:

2006-2236-MWD-E Catherine Albrecht

Corresponds to Violation Number: 3

OUTFALL 001 EFFLUENT PARAMETERS

Permit Limits

Month/ Year	NH3-N Dly Avg Conc Limit of 3.0 (in mg/L)	NH3-N Dly Max Limit of 10.0 (in mg/L)	NH3-N Dly Avg Load Limit of 2.5 (in lbs/day)	CBOD Dly Avg Conc Limit of 10.0 (in mg/L)	CBOD Dly Max Conc Limit of 25.0 (in mg/L)	CBOD Dly Avg Loading Limit of 8.3 (in lbs/day)	DO Min Limit of 6.0 (in mg/L)
Oct-05	5.12	22.9	С	С	с	С	С
Dec-05	3.98	17.7	3.91	С	С	С	С
Jan-06	С	С	С	С	С	9.23	С
Apr-06	С	С	6.14	c	С	С	4.85
May-06	С	С	С	С	С	С	5.96
Jul-06	9.85	39.1	4.61	38.25	147	17.99	4.3

Abbreviations:

Ammonia-Nitrogen ("NH3-N")

Carbonaceous Biochemical Oxygen Demand (five-day) ("CBOD")

Dissolved Oxygen ("DO")

Daily Average ("Dly Avg")

Daily Maximum ("Dly Max")

Minimum ("Min")

Concentration ("Conc")

milligrams per liter ("mg/L")

pounds per day ("lbs/day")

compliant ("c")

ter er gr a state er

Compliance History

Customer/Respondent/Owner-Operator: CN600736722

Montgomery County Municipal Utility

District No. 56

MONTGOMERY COUNTY MUD 56

WASTEWATER LICENSING

Classification: AVERAGE Rating: 1.86 Classification: AVERAGE Site Rating: 1.86

ID Number(s):

WASTEWATER WASTEWATER

PERMIT **PERMIT** LICENSE WQ0013760001 TX0089672 WQ0013760001

Approximately 4.5 miles along Farm-to-Market Road (FM) 1314, northwest of the intersection

of U.S. Highway 59 and FM 1314, Montgomery County

Rating Date: September 01 06

Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared:

Regulated Entity: RN102916905

December 12, 2006

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

December 12, 2001 to December 12, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Catherine Albrecht

Phone: (713)767-3672

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/25/2003 Classification: Moderate

ADMINORDER 2002-1129-MWD-E

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4)

TWC Chapter 26 26.121

Rqmt Prov: ELMR 1 PERMIT

Description: Failure to comply with permitted effluent limits.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OR 1 PERMIT

Description: Failure to maintain the Facility in a manner that would prevent rust.

B. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 11/27/2006 (514293)
 - 2 02/22/2005 (477437)
 - 3 02/23/2006 (477438)
 - 4 03/22/2006 (477439)
 - 5 04/26/2004 (477440)
 - 6 04/22/2005 (477441) 7 05/24/2004 (477442)
 - 8 04/21/2006 (504049)
 - 9 06/08/2005 (477443)
 - 10 05/22/2006 (504050)
 - 11 06/24/2004 (477444) 12 06/24/2005 (477445)
 - 13 06/17/2004 (275715)
 - 14 06/19/2006 (504051)
 - 15 07/22/2004 (477446)
 - 16 07/25/2005 (477447)
 - 17 07/18/2006 (504052)
 - 18 08/22/2005 (477448)
 - 19 09/07/2004 (477449) 20 02/19/2002 (212005)
 - 21 08/23/2005 (477450)

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22 02/21/2003 (212006)
           23 09/24/2004 (477451)
           24 03/25/2002 (212008)
           25 09/28/2005 (477452)
           26 10/17/2004 (477453)
           27 03/21/2003 (212009)
           28 10/24/2005 (477454)
           29 11/29/2004 (477455)
           30 09/07/2004 (286925)
           31 11/21/2005 (477456)
           32 08/22/2006 (526416)
           33 12/27/2004 (477457)
           34 04/22/2002 (212013)
           35 09/18/2006 (526417)
           36 02/23/2004 (318105)
           37 12/27/2005 (477458)
           38 03/22/2004 (318106)
           39 01/24/2005 (477459)
           40 10/16/2006 (526418)
           41 04/22/2003 (318107)
           42 05/22/2002 (212016)
           43 01/23/2006 (477460)
           44 05/22/2003 (318108)
           45 06/25/2002 (212019)
           46 08/25/2006 (510265)
           47 06/23/2003 (318109)
48 07/18/2003 (318110)
           49 05/21/2002 (IE0018339001001)
           50 08/22/2003 (318111)
           51 07/25/2002 (212021)
           52 09/22/2003 (318112)
           53 10/24/2003 (318113)
           54 08/22/2002 (212023)
           55 11/20/2003 (318114)
           56 12/29/2003 (318115)
           57 09/25/2002 (212026)
           58 01/23/2004 (318116)
           59 10/21/2002 (212029)
           60 11/22/2002 (212032)
           61 12/14/2001 (212034)
           62 12/20/2002 (212035)
           63 01/25/2002 (212038)
           64 01/21/2003 (212039)
E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
           Date: 07/07/2006 (510265)
           Self Report? NO
                                             Classification: Minor
           Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
           Rqmt Prov: PERMIT IA
           Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.
           Date: 01/31/2006 (477438)
                                             Classification: Moderate
```

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Fallure to meet the limit for one or more permit parameter

Date: 04/30/2006 (504050)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/30/2006 (504051)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (477447)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2002 (212005)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (212008)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (212009)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (477456)

Self Report? YES Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (526416)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (477457)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (526417)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (318107)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (477460)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (318108)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2002 (212019)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/16/2004 (275715)

Self Report? NO

Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of wastewater from the collection system and the wastewater treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Description: Failure to obtain authorization from the commission to commence construction of the necessary additional treatment and/or collection facilities when the plant has reached 90% of the permitted daily average flow for three consecutive months.

Date: 09/30/2003 (318113)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2001 (212038)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (212039)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits. N/A

G. Type of environmental management systems (EMSs).

- H. Voluntary on-site compliance assessment dates. $\ensuremath{\text{N/A}}$
- I. Participation in a voluntary pollution reduction program.
- J. Early compliance. N/A

Sites Outside of Texas N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§	BEFORE THE
§	
§	
§	TEXAS COMMISSION ON
§	
§	
§	ENVIRONMENTAL QUALITY
	\$\tau\$ \$\tau\$ \$\ta\$ \$\ta\$ \$\ta\$ \$\ta\$

AGREED ORDER DOCKET NO. 2006-2236-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Montgomery County Municipal Utility District No. 56 ("the District") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the District appear before the Commission and together stipulate that:

- 1. The District owns and operates a wastewater treatment plant located approximately 4.5 miles along Farm-to-Market Road ("FM") 1314, northwest of the intersection of U.S. Highway 59 and FM 1314 in Montogomery County, Texas (the "Facility").
- 2. The District has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
- 3. The Commission and the District agree that the Commission has jurisdiction to enter this Agreed Order, and that the District is subject to the Commission's jurisdiction.
- 4. The District received notice of the violations alleged in Section II ("Allegations") on or about November 18, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the District of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Twelve Thousand One Hundred Sixteen Dollars (\$12,116) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The District has paid Nine Thousand Six Hundred Ninety-Three Dollars (\$9,693) of the administrative penalty and Two Thousand Four Hundred Twenty-Three Dollars (\$2,423) is deferred contingent upon the District's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the District fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the District to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the District have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the District has implemented the following corrective measures at the Facility:
 - a. On May 31, 2005, removed the grease blockage at the 21822 Raven Tree Court manhole and disinfected and flushed the area affected by the unauthorized discharge;
 - b. On June 2, 2005, removed the grease blockage at the 22058 South Pine Court manhole and disinfected and flushed the area affected by the unauthorized discharge;
 - c. On September 1, 2005, removed the grease blockage at the 18108 Red Pine Court manhole and disinfected and flushed area affected by the unauthorized discharge;
 - d. On December 14, 2005, removed the grease blockage at the 18355 Knotted Oak Street manhole and disinfected and flushed the area affected by the unauthorized discharge;
 - e. On January 14, 2006, completed the necessary lift station repairs and disinfected and flushed the area affected by the unauthorized discharge at 22050 Soft Pines Street;
 - f. On August 16, 2006, removed the grease blockage at the Woodsdale Court manhole and disinfected and flushed the area affected by the unauthorized discharge; and
 - g. On or about January 2, 2007, revised noncompliance notification reporting procedures to resume making verbal and written or faxed noncompliance notification reports for all reported excursions that exceed the permitted effluent limits by more than 40 percent.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the District has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the District is alleged to have:

- 1. Failed to prevent the unauthorized discharges of wastewater from the collection system, in violation of 30 Tex. ADMIN. Code § 305.125(1) and (4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13760001, Permit Condition No. 2.g., and Tex. Water Code § 26.121(a), as documented during an investigation conducted on September 28, 2006. Specifically, six unauthorized discharges occurred at this Facility of 10 gallons at 21822 Raven Tree Court on May 31, 2005, 240 gallons at 22058 South Pine Court on June 2, 2005, 230 gallons at 18108 Red Pine Court on September 1, 2005, 130 gallons at 18355 Knotted Oak Street on December 14, 2005, 100 gallons at 22050 Soft Pines Street on January 14, 2006, and 120 gallons at 18147 Woodsdale Court on August 16, 2006.
- 2. Failed to timely report the unauthorized discharge of wastewater from the collection system on August 16, 2006 within 24 hours by phone and within five days by letter, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.b.iv., as documented during an investigation conducted on September 28, 2006. Specifically, the noncompliance report was not submitted until August 25, 2006.
- 3. Failed to maintain compliance with permit limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13760001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on September 28, 2006:

	NH3-N	NH3-N	NH3-N	CBOD	CBOD	CBOD	-
	Dly Avg	Dly Max	Dly Avg	Dly Avg	Dly Avg	Dly Avg	DO Min
	Conc Limit	Conc Limit	Load Limit	Conc Limit	Conc Limit	Conc Limit	Limit of
Month/	of 3.0	of 10.0	of 2.5	of 10.0	of 25.0	of 8.3	6.0
Year	(in mg/L)	(in mg/L)	(in lbs/day)	(in mg/L)	(in mg/L)	(in mg/L)	(in mg/L)
Oct-05	5.12	22.9	С	С .	c	С	c
Dec-05	3.98	11.7	3.91	С	c.	С	c
Jan-06	С	С	c	С	С	9.23	c
Apr-06	С	С	6.14	С	c	С	4.85
May-06	С	c	С	С	С	c	5.96
Jul-06	9.85	39.1	4.61	38.25	147.0	17.99	4.3

Abbreviations: Ammonia-Nitrogen ("NH3-N"); Carbonaceous Biochemical Oxygen Demand (five-day) ("CBOD"); Dissolved Oxygen ("DO"); Daily ("Dly"); Average ("Avg"); Maximum ("Max"); Minimum ("Min"); Concentration ("Conc"); milligrams per liter ("mg/L"); pounds per day ("lbs/day"); and compliant ("c").

4. Failed to consistently provide effluent noncompliance notification reports in accordance with the permit requirements, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.c., as documented during an

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Montgomery County Municipal Utility District No. 56 DOCKET NO. 2006-2236-MWD-E Page 4

investigation conducted on September 28, 2006. Specifically, copies of the noncompliance notification reports were not submitted to the Houston Regional Office for effluent noncompliance that exceeded the permit limits by more than 40 percent during April 2006 for a daily average event and July 2006 for daily maximum and daily average events.

III. DENIALS

The District generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the District pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the District's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Montgomery County Municipal Utility District No. 56, Docket No. 2006-2236-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the District shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, identify and implement all necessary preventive maintenance and/or rehabilitation work to prevent the unauthorized discharges of wastewater from the collection system and the permitted effluent limit noncompliances;
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.d. below;
 - c. Within 135 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. 13760001, as described in Ordering Provision No. 2.d. below; and
 - d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:
 - "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

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qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the District. The District is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the District fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the District's failure to comply is not a violation of this Agreed Order. The District shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The District shall notify the Executive Director within seven days after the District becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the District shall be made in writing to the Executive Director. Extensions are not effective until the District receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the District in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

Montgomery County Municipal Utility District No. 56 DOCKET NO. 2006-2236-MWD-E Page 6

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the District, or three days after the date on which the Commission mails notice of the Order to the District, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

For the Commission

SIGNATURE PAGE

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for

8/16/2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

the penalty amount, is materially relying on such representation.

Montgomery County Municipal Utility District No. 56

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

I als	lso understand that my failure to comply with the Orderi	ng Provisions, if any, in this order and/or my
failı	lure to timely pay the penalty amount, may result in:	
•	A negative impact on my compliance history;	
•	Greater scrutiny of any permit applications submitte	d by me;
•	Referral of this case to the Attorney General's Off penalties, and/or attorney fees, or to a collection age	
•	Increased penalties in any future enforcement action	· · · · · · · · · · · · · · · · · · ·
. •	Automatic referral to the Attorney General's Office and	<u> </u>
•	TCEQ seeking other relief as authorized by law.	
In a	addition, any falsification of any compliance documents i	may result in criminal prosecution.
Sign	Carance W. Bull gnature	4/9/07 Date
	Jarance W. Bull	PRESDOENT
	ame (Printed or typed)	Title
Aut	thorized Representative of	Control of the Contro

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues

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